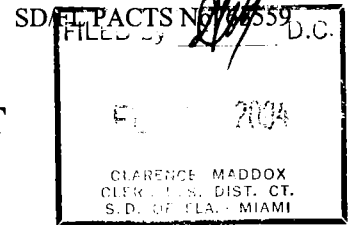


PROB 12B
(SD/FL 9/96)



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-273-CR-HUCK**

6273

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: Anthony Banks

Name of Sentencing Judicial Officer: The Honorable Paul C. Huck, U.S. District Judge, Miami, Florida

Date of Original Sentence: January 29, 2002

Original Offense: Conspiracy to Violate the Racketeer Influenced and Corrupt Organizations (RICO) Act, 18 U.S.C. § 1962(b), a Class C Felony

Original Sentence: Twenty-one (21) months custody of Bureau of Prisons, followed by three (3) years supervised release, with the special condition that the defendant participate in an approved program for mental health/substance abuse, as directed by the U.S. Probation Office

Type of Supervision: Supervised Release Date Supervision Commenced: April 4, 2002

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

“The defendant shall reside at and participate in a Community Corrections Center for a period not to exceed ninety (90) days, or until released at the direction of the United States Probation Officer.”

CAUSE

Violation Number

Nature of Noncompliance

1

Violation of Mandatory Condition, by unlawfully possessing or using a controlled substance. On or about December 29, 2003, January 7, and January 15, 2004, the defendant submitted urine specimens which tested positive for the presence of cocaine in our local laboratory, and subsequently confirmed by Scientific Testing Laboratories, Incorporated. The defendant admitted to using cocaine on December 28, 2003, January 5, and January 14, 2004.

*671
TX*

PROB 12B
(SD.TL 9/96)

SD/FL PACTS No. 65559

On or about May 9, 2003, a Report on Offender Under Supervision was submitted to Your Honor, informing the Court of the defendant's illegal drug use which occurred on or about April 17, 2003. The defendant's former probation officer recommended that no additional action be taken against the defendant and that he is allowed to continue to participate in a drug treatment program. Your Honor concurred with the probation officer's recommendation.

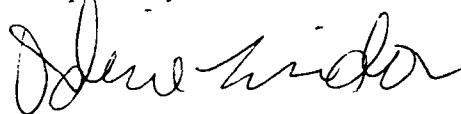
On December 29, 2003, this officer was contacted by the defendant's therapist, Adelma Karim, from Spectrum Programs, Incorporated, informing that the defendant admitted to using cocaine and alcohol. On the same date, a urine specimen was obtained from the defendant and the result was positive for the presence of cocaine. As indicated above, the defendant has since submitted two additional urine specimens which tested positive for the presence of cocaine.

On January 15, 2004, the defendant reported to Spectrum Programs for ninety (90) day intensive residential drug treatment. As such, this officer is recommending that following completion of the residential drug treatment program, the defendant reside at and participate in a community corrections center for a period not to exceed ninety (90) days.


Enclosed please find the Waiver of Hearing to Modify Conditions of Supervised Release, signed by the defendant. If Your Honor is in agreement with this recommendation, please sign the Petition.

Respectfully submitted,

by



Odine Lindor

U.S. Probation Officer 

Phone: (305) 512-1830

Date: February 19, 2004

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Submit a Request for _ Warrant or _ Summons



Signature of Judicial Officer

Date

PROB 49
(3/89)

SD/FL PACTS #65559

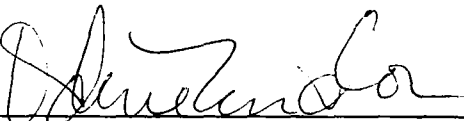
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

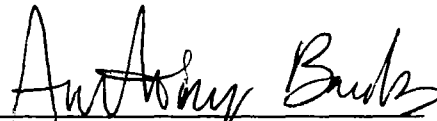
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall reside at and participate in a Community Corrections Center for a period not to exceed 90 days, or until released at the direction of the United States Probation Officer."

Witness: 
U.S. Probation Officer
Odine Lindor

Signed: 
Probationer or Supervised Releasee
Anthony Banks

1/24/04
Date